

# Wetlands Bureau Decision Report

Decisions Taken  
10/28/2002 to 11/01/2002

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

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### **2001-00212                      NH DEPT OF TRANSPORTATION MANCHESTER   Merrimack River And Tributaries**

#### Requested Action:

The New Hampshire Department of Environmental Services ("NHDES") has completed its review of the New Hampshire Department of Transportation's ("NHDOT") application for the above referenced project. The Manchester Airport access needs have been recognized at the state and federal level since 1988. At that time, the NH General Court noted that the planned growth of the Manchester Airport will offer both safe, convenient air service for New Hampshire residents, and an alternative to Logan Airport. Therefore, access improvements to the Airport from the highway system were recognized as needed to alleviate current congestion and to allow for the orderly growth of the Manchester Airport area (Chapter 224:18, Laws of 1988). A subsequent 1989 feasibility study was conducted and recommended that an EIS be prepared. In response, the NH General Court directed the NHDOT to prepare preliminary designs and a Draft EIS for the project (Chapter 232, Laws of 1991). Since 1991, numerous meetings and hearings have been held and a Final Environmental Impact Assessment completed that adopted the NHDOT Selected Alternative.

Several weeks following the publication of the FEIS in March, 2001, information relative to a newly constructed bald eagle nest located 388 feet from the proposed center line was provided to NHDOT. The discovery of the new nest resulted in additional informal consultation among the US Fish and Wildlife Service, the NH Fish and Game Department, and the transportation agencies. NHDOT altered the Selected Alternative to be approximately 700 feet south of the eagle nest at its closest point which resulted in a reduction of wetland impacts. As noted in the USFWS Biological Opinion, it is the USFWS opinion that the modified alignment, Revised CG-Modified Shift, is not likely to jeopardize the continued existence of the bald eagle. In addition, the Selected Alternative minimizes jurisdictional wetland impacts and satisfies the project purpose.

The transportation assessment provided in the original NHDES application materials was augmented during the application review process and was recently summarized in a July 24, 2002 letter from a representative of Vanasse Hangen Brustlin, Inc. to Robert Barry, NHDOT. NHDOT applied generally accepted methodologies to evaluate existing and projected traffic volumes and concluded that the Manchester Airport is the largest airport in New Hampshire and is a critical element in the State's economic growth. The final proposed alignment addresses transportation safety concerns while also considering the environmental, social, cultural and economic effects of the project.

NHDES held a public hearing concerning the wetlands permit application on April 18, 2000. Oral and written public comments were generally mixed with many testifying either strongly for or against the project. After consideration of these comments and the documents provided by NHDOT, NHDES concluded that the need for the project has been demonstrated in compliance with the applicable wetland rules. NHDOT has provided information that this project is necessary to address the existing and future transportation needs of the expanding Manchester Airport and the surrounding developing industrial and commercial areas. As stated in the FEIS, roadway capacity was considered over the entire project area to reduce congestion and thus provide safe, efficient and convenient traffic flow from both I-93 and the FEE Turnpike to the Manchester Airport and the industrially zoned land just south of it.

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#### APPROVE PERMIT:

Construct a new highway beginning along the F.E. Everett Turnpike at the existing Bedford toll facility and extending easterly over the Merrimack River, Heritage Trail, and the NH Main Line Railroad. East of the Merrimack River crossing, the alignment will overpass NH Route 3A for approximately 1.6 km (1.0 mi) before turning northerly and entering the south side of the Manchester Airport for a total length of 3.2 km (2.0 mi). The project proposes to fill 11.57 acres of wetlands to accommodate increases in traffic volumes on roads currently accessing the Airport, as well as future increases caused by the expansion of the Airport and the expected development of industrial lands in the vicinity of the Airport. The Merrimack River and NH Route 3A structures will also include the width necessary to allow for a bike/pedestrian trail to be developed on the north side, which will connect US Route 3 with NH Route 3A. On the eastern side of the river, a proposed connector road, approximately 0.6 km (0.4 mi) in length, will link

the Access Road to NH Route 3A. Approximately 0.6 km (0.4 mi) of NH Route 3A will be reconstructed. A maximum of two at-grade intersections, just east of the Route 3A overpass, may be developed along the easterly side of the Access Road to provide access to the industrially zoned lands south of the Airport. One of the intersections will connect opposite the connector road to NH Route 3A to form a four-way intersection.

Proposed mitigation includes preservation of land centered in the Little Cohas Marsh Waterfowl Management Area in Londonderry. The New Hampshire Department of Transportation (hereinafter "NHDOT") will secure leases on several properties totaling approximately 480 ac of wetland and upland habitat. The leases are scheduled to expire in 2004 and acquisition of those properties will occur prior to expiration. Several additional parcels currently under NHFG or Town of Londonderry ownership are located in this area.

Another portion of the mitigation package includes the preservation of important wetland wildlife habitat and travel corridors associated with the industrially-zoned lands south of the Airport. This proposal seeks to re-establish and protect safe passage for wildlife along existing riparian or wetlands corridors by enhancing or maintaining zones of undeveloped connectivity between the Merrimack River, Little Cohas Marsh and the Musquash Conservation Area. Provisions will be included for the construction of a limited number of wildlife-friendly roadway crossings over the protected corridors. NHDOT will acquire land along the lower Little Cohas Brook and lands further downstream. Restoration of an unnamed tributary behind the Britta facility and creation of a wetland connector between this tributary and the re-routed tributary that flows northerly to Little Cohas Brook will occur. An additional large forested block will also be protected. This parcel contains a vernal pool and large, forested wetlands adjacent to lands proposed for protection by the AES facility within the Eco-Industrial Park with the potential to enhance vernal pool habitat by creating additional depressions within the forested wetland. An additional corridor connection will be protected that connects the Airport mitigation site with area to the south along the escarpment slope and continues easterly along Horse Trail Brook. NHDOT will also protect a 15 ac tract containing two vernal pools adjacent to the Airport preservation tract.

In addition, the proposed mitigation includes the construction of a wildlife travel corridor under NH Route 3A at the northwestern corner of the Airport mitigation site. The design involves the diversion of surface waters from an existing intermittent stream to be conveyed in a northerly direction via a broad low-gradient vegetated channel to be created within existing uplands before joining an existing wetland drainage west of Route 3A. This existing narrow drainage will be widened to accommodate the broad, low-gradient channel and an access trail under NH Route 3A with the construction of an arched structure providing a wide opening for the public with off-road parking nearby to allow for car-top boating access to the River.

A total of 37 acres of land will be protected in Bedford, Merrimack and Manchester for bald eagle habitat protection. In addition, an eagle conservation and management plan is required as a part of the US Fish and Wildlife Service Biological Opinion.

The total proposed acquisition of land to compensate for wetland impacts, bald eagle habitat impacts, and secondary impacts due to providing access to the industrially-zoned lands south of the Airport encompasses an estimated 748 ac. Of this total, discounting the 37 ac of eagle habitat protection, approximately 416 ac are wetland and 295 ac are upland. NHDOT shall secure all lands associated with the entire mitigation package prior to advertisement of any construction contract.

#### With Conditions:

1. The wetland impacts associated with this approval are based on wetland boundaries as listed by wetland type and function noted in the Manchester Airport Access Road Bedford-Manchester-Londonderry-Litchfield-Merrimack Final Environmental Impact Statement (hereinafter "FEIS"), Table 4.4-2 and figure 4.4-2 and plans provided in the New Hampshire Department of Environmental Services Wetlands Bureau (hereinafter "NHDES")/Army Corps of Engineers permit application.
2. During final design and construction work, wetland impacts that exceed 11.57 acres as represented in the plans provided in the NHDES/Army Corps of Engineers permit application and materials presented in the NHDES file, shall require submittal of a permit amendment request to be reviewed by the NHDES.
3. During final design of roadway construction plans, a joint review shall be held by state and federal agencies regarding proposed water quality treatment features such as grass swales or detention basins that may cause additional wetland impacts for construction to confirm need, location, and necessity for a permit amendment.
4. Final design plans for roadway construction shall be submitted to NHDES and appropriate Conservation Commission for each contract with a summary of wetland impacts for the associated contract work. Review and comments from NHDES and

- Conservation Commissions shall be considered by NHDOT and incorporated into the design where it is reasonably appropriate.
5. During final design, efforts to avoid or minimize surface water impacts shall continue by providing steep side slopes to minimize culvert lengths where fish passage is not an issue.
  6. The NHDES shall be notified in advance of pre-construction meetings at all of the proposed bridge crossing locations with sufficient notice to facilitate attendance.
  7. The proposed groundwater protection measures for treating runoff in the project area as described in the FEIS, section 4.3.2.4 shall be adhered to for minimizing impacts and wells impacted by the project will be replaced as part of the project.
  8. The proposed management measures for stormwater treatment for streams in the project area as described in the FEIS, section 4.3.1.2 shall be adhered to for minimizing contaminants from highway runoff.
  9. The proposed bridge structure over the Merrimack River will be designed with a closed drainage system to limit water quality impacts to the River.
  10. A water quality monitoring program will be established through the coordination of the NHDES, Watershed Management Bureau and Site Specific Bureau which includes appropriate sampling procedures and parameters for testing water quality conditions.
  11. The conservation measures noted in the USFWS Biological Opinion dated January 3, 2002 proposed to reduce the effects of the project construction on bald eagles shall be incorporated in the completion of the final design plans and carried out.
  12. The NHDES shall be provided a status on negotiations with the NH Mainline Railroad to secure protection of the 8.0 acre of land across from the rock outcrop/Devon Street area on a yearly basis until the parcel has been secured for protection.
  13. The Little Cohas Brook shall be spanned to minimize impacts to wetlands and reduce fragmentation impact of this riparian corridor. Roadway side slopes associated with most of the substantial encroachments shall be steepened to 2:1. During final design, plans shall be discussed with the Wetlands Bureau and comments incorporated into the design where appropriate.
  14. Dredged material shall be placed out of the NHDES jurisdiction unless otherwise specified.
  15. Final erosion control plans shall be subject to review and approval by NHDES.
  16. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
  17. The project engineer shall oversee installation of erosion controls and periodically verify that the controls are properly maintained during construction.
  18. Appropriate storm water management and erosion control Best Management Practices (BMP) shall be implemented to ensure turbidity impacts are minimized and water quality standards are not violated. If the BMP conflicts with terms or conditions of this permit, the terms and conditions of this permit shall control.
  19. Construction equipment shall not be located within surface waters.
  20. There shall be no further alteration of wetlands or surface waters without amendment of this permit.
  21. Within three days of the last activity in an area, all exposed soil areas, where construction activities are complete or have been temporarily suspended, shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 2:1.
  22. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
  23. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
  24. Dewatering of work areas shall be discharged to sediment basins located in uplands and lined with hay bales or other acceptable sediment trapping liners.
  25. The contractor responsible for completion of the work shall utilize techniques described in the NHDES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
  26. The NHDOT shall limit unnecessary removal of vegetation within riparian areas during road construction and areas cleared of vegetation shall be re-vegetated as quickly as possible.
  27. Standard precautions shall be taken not to import or transport soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
  28. Land clearing in wetland areas during highway construction is to be kept to a minimum to reduce impacts on wildlife habitat.
  29. Measures to minimize impacts to the Natural Heritage Inventory (NHI) exemplary plant community known as Southern New England Stream Bottom Forest will be reviewed during final design and provided to the NHDES and office of NHI for review and approval.
  30. The proposed mitigation package as detailed in amended application materials dated February 6, 2002 and materials submitted on October 1, 2002 shall be followed for compensating impacts associated with the proposed project.

31. Modifications to the mitigation proposal may be required if necessary changes to the project cause impacts that significantly exceed acres represented in the application.
32. The final design plans for the wildlife corridor under Route 3A including planting schedule shall be submitted for review by the NHDES and Manchester Conservation Commission.
33. During work at the wildlife corridor under Route 3A, a qualified wetland scientist shall monitor the re-grading and associated slope work to ensure that the area will result in successful establishment of a vegetated channel/corridor.
34. Habitat restoration and enhancement work at the wildlife corridor under Route 3A shall have at least 75% successful establishment of vegetation after two (2) growing seasons, or it shall be replanted and re-established until the area resembles a vegetated channel/corridor satisfactory to the NHDES Wetlands Bureau.
35. Habitat restoration and enhancement area shall be monitored by a qualified environmental consultant during the first, second, third and fifth years. Monitoring reports shall be submitted to the NHDES and appropriate Conservation Commission during the five years, at the end of the required growing seasons, and include photographs, a summary on vegetative success and remedial measures if necessary to improve plant establishment. Remedial action will be considered if there is inadequate vegetative cover, or erosion problems.
36. Baseline documentation reports for all lands to be protected shall be completed and submitted to NHDES within one year following NHDOT securing the parcels.
37. The NHDOT shall record the condition of the preserved lands as part of the third and fifth year monitoring reports to insure compliance with the preservation requirements.
38. The NHDES shall be notified in writing of any transfers of the preservation lands and mitigation sites to another organization that has been retained for management purposes and the name of the entity responsible to continue long-term management and/or stewardship of the lands.
39. Conservation easements that may be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
40. Final conservation easement language shall be recorded at the Registry of Deeds Office and a copy submitted to the NHDES.
41. Activities in contravention of the conservation easement shall be construed as a violation of this permit, and those activities shall be subject to the enforcement powers of the NHDES and/or the New Hampshire office of the Attorney General.

With Findings:

1. The proposed project is considered a major impact project per Rule Wt 303.02(c) as impacts to jurisdictional areas exceed 20,000 sq.ft.
2. The purpose for the project has been documented in the Manchester Airport Access Road Bedford-Manchester-Londonderry-Litchfield-Merrimack Final Environmental Impact Statement (hereinafter "FEIS"), and materials presented in the NHDES file.
3. The need for the proposed access road has been recognized by varying levels of government and once constructed, will become a part of the National Highway System. This project has consistently been acknowledged as a vital component of the region's transportation network, is included in the NHDOT Ten-Year Improvement Plan as well as in area Metropolitan Planning Organization's long-range plans.
4. As early as 1988, the NH General Court recognized the importance of the project area and its rate of growth and directed the NHDOT to conduct a feasibility study to improve access to the area (House Bill 384).
5. Following completion of the 1989 Feasibility Study - Manchester Airport Area - Proposed Access Improvements, the NH General Court directed NHDOT to prepare designs and an EIS for the project (Chapter 232, Laws of 1991) as it was determined a new roadway would be necessary.
6. NHDOT is responsible for transportation functions in order to assure consistency and safety of the general public.
7. NHDOT has applied generally accepted methodologies to address the issues of traffic volume and projections.
8. The NHDOT performed an adequate screening process to identify alternatives that could potentially satisfy the project purpose and summarized environmental consequences of each alternative. As a result of the screening process, a reasonable range of

alternatives were selected for analysis in the Draft EIS.

9. A joint Public Hearing was held on January 8, 1998 by the Governor and Executive Council Special Committee, NHDOT and Army Corps of Engineers.

10. As a result of a joint Public Hearing, a new alternative referred to as DCD was developed. In addition, refinements were made to the NHDOT Preferred Alternative CG-Modified that resulted in the NHDOT Selected Alternative, CG-Modified Shift.

11. The NHDES held one public hearing on April 18, 2000, during which more than three hours of testimony was taken and, in addition, undertook an exhaustive review of all materials submitted to the file to render a decision reflecting compliance with RSA 482-A and the Wetlands Bureau Code of Administrative Rules to approve this project.

12. The NHDES has received and reviewed a substantial number of letters both in support of, and in opposition to, the project. Those letters are in the file, and information in those letters have been considered as part of this decision.

13. On June 12, 2000 the Governor and Executive Council Special Committee voted there is public necessity for the laying out of the proposed Manchester Airport Access Road and the limitation of access.

14. Several weeks following publication of the FEIS, in March, 2001, information relative to a newly constructed bald eagle nest located 388 feet from the proposed center line was provided to NHDOT.

15. A subsequent Bald Eagle Biological Assessment, August 2001 was conducted to evaluate the potential effects of the proposed action on the nesting pair of bald eagles, as well as over-wintering eagles within the action area.

16. The discovery of the new nest resulted in additional informal consultation among the US Fish and Wildlife Service, the NH Fish and Game Department, and the transportation agencies.

17. As a result of the meetings and review of national guidelines for management of bald eagle nesting areas, the alignment was altered in the vicinity of the proposed bridge to the south to provide the Revised CG-Modified Shift alignment to be approximately 700 feet south of the eagle nest at its closest point.

18. Conservation measures noted in the USFWS Biological Opinion dated January 3, 2002 will be implemented as required under the terms of the consultation as well as the terms and conditions noted in the Biological Opinion.

19. As noted in the Biological Opinion, it is the USFWS opinion that the project, as proposed, is not likely to jeopardize the continued existence of the bald eagle. In addition, they determine that incidental take, in the form of harassment of the nesting pair and other eagles using the Merrimack River shoreline, is anticipated as a result of the action but which will have no population level effects on the bald eagle in the Northern States Recovery Region.

20. A Supplemental EIS is not required for a NHDES permit under RSA 482-A.

21. As noted in the Biological Opinion, it is recommended that NHDOT consider a riparian forest conservation goal in future transportation planning within the Merrimack River corridor and that NHDOT use their authority to insure that as much as possible of the remaining undeveloped shoreline is maintained in an undeveloped, wooded condition.

22. The interchange ramp configuration west of, and at the FE Everett Turnpike, has been compressed by modifying the ramp to eliminate impacts to the Yankee Kingdom Tree Farm.

23. Modifications to the southbound off-ramp from the FE Everett Turnpike to US Route 3, allows avoidance of right-of-way impacts to the Pointer Fish and Game Club.

24. The information provided in the FEIS has been challenged by the Conservation Law Foundation (hereinafter "CLF"). CLF's specific concerns include: the project need; the avoidance and minimization of wetland impacts; and the validity of traffic study projections and interpretation.

25. NHDES has reviewed the opinions submitted by CLF and the report developed by RSG and has considered the information during the decision process.

26. The review process provided opportunities for public involvement and participation.

27. The information provided in the FEIS has been challenged by Coastal Specialty Forest Products, Inc. and Edgemere Realty, LLC. Coastal's specific concerns include: the project purpose and need; the cumulative impacts of the Manchester Airport expansion project and the Manchester Airport Access Road project; the avoidance and minimization of wetland impacts; and the validity of traffic study projections and interpretation. The specific concern that the access road would eliminate the business was also raised.

28. NHDES has reviewed the opinions submitted by Coastal, the plans developed by Holden Engineering and has considered the information during the decision process.

29. As noted in the design plans submitted on September 26, 2002 by NHDOT, Coastal Forest Products, Inc. will remain at their current location with only some minor access and storage area layout changes required.

30. The NHDOT Selected Alternative, Revised CG-Modified Shift, meets the project purpose and represents a balance between impacts to environmental resources, social, cultural, and economic effects with transportation needs.

31. It is the finding of NHDES that the applicant has addressed all application requirements of Part Wt 301, and 302 and RSA 482-A.

32. The flagging and survey of wetland boundaries during final design phase will be completed during the development of contract plans. The wetland boundaries that have been noted for permitting purposes are reasonable and of sufficient accuracy.
33. The principal functional impacts to wetlands are to the wildlife habitat and groundwater discharge functions.
34. Direct impact of approximately 92 acres of mixed forest and softwood forest habitat types will result from the Selected Alternative, Revised CG-Modified Shift.
35. The DCD alternative proposed greater wetland impacts, and the wetlands to be impacted were of modest quality and function.
36. NHDES based its decision to approve this project on the record before it. The NHDES concluded after a review of the record that with the additional revision to CG-Modified Shift, the proposed Selected Alternative addresses the project purpose and is the least adverse impact to areas and environments under the NHDES jurisdiction.
37. Best Management Practices for treating storm water runoff and erosion and sediment control will be followed during construction limiting impacts to water resources in the project area. If the BMP conflicts with terms and conditions of this permit, the permit terms and conditions will control.
38. The design for a closed drainage system within the bridge over the Merrimack River will provide the necessary protection to limit water quality impacts to the River.
39. As stated in the project purpose and determined during development of the project plans, a maximum of two at-grade intersections, just east of the Route 3A overpass, may be developed along the easterly side of the Access Road to provide access to the industrially zoned lands south of the Airport.
40. The construction of the new access road will increase the rate and density of development within the industrially-zoned lands south of the Airport.
41. A detailed study of important wildlife habitat within the industrially-zoned lands south of the Airport was initiated in the spring of 1999 to assist in the assessment of secondary impacts from the project.
42. The study resulted in an Ecological Inventory (hereinafter "Inventory") prepared by Normandeau et al. The Inventory identified vernal pools and travel corridors of species of concern and identified several preservation elements to be included in the mitigation proposal.
43. The Inventory provides the basis for protection measures to be instituted including land acquisitions or zoned buffers. The focus of the resulting mitigation plan is to attempt to protect the aquatic resources within the industrially-zoned lands south of the airport by protecting upland area on either side of the aquatic resources against impacts from adjacent future development for animal travel activities.
44. The proposed protection of large blocks of habitat and the provision of wildlife corridors within the mitigation plan will help maintain viable wildlife populations by adding to the connectivity of habitats previously fragmented by development.
45. Land preservation in southern New Hampshire has the potential for even greater environmental credit due to the regional development pressures that have been documented to be substantial and projected to continue or increase in the future.
46. To compensate for the pattern and rate of habitat loss and fragmentation in the project area, NHDOT has provided mitigation measures to reduce secondary impacts associated with the future development within the parcel that will be provided access from the new highway.
47. The applicant's proposed mitigation plan, as provided with the original filing, was modified and expanded during the process. Mitigation is not a factor considered by the NHDES in its determination of either need or impact, but is an accepted means to compensate for the impacts of the alternative with the least adverse impact. NHDES has draft compensatory mitigation rules, the most recent version dated December 4, 2001, that prescribe when, and how much and what kind of, compensatory mitigation is appropriate for a given project's wetlands impact. In the absence of final rules, the criteria for an "adequate mitigation proposal" are more subjective. In this context, the NHDES has concluded that the NHDOT has provided adequate compensatory mitigation relative to the project impacts.
48. A review of potential mitigation sites was conducted that resulted in the preservation of wetlands and associated uplands to compensate for proposed impacts.
49. The mitigation proposal was developed to address the following: impacts associated with the loss of 11.57 acres of wetlands and approximately 92 acres of wildlife habitat; include provisions to minimize impacts to nesting bald eagles; and secondary impacts as a result of providing direct access to undeveloped industrially-zoned lands south of the airport.
50. As part of the process in determining the mitigation package, the opportunity to provide a wildlife travel corridor in the area of the Manchester Airport mitigation site was suggested to be constructed instead of a design that would have involved impacting greater amount of resources and result in less valuable environmental condition.
51. The construction of a travel corridor under NH Route 3A at the northwestern corner of the Airport provides 1,500 linear feet of channel restoration/creation to improve or protect wildlife habitat functions.
52. The mitigation proposal meets the DES draft regulatory mitigation ratios. The mitigation proposal compensates for wetland impacts by roughly 50:1 total mitigation and 25:1 for uplands to wetlands impacted.

53. The entire mitigation proposal for wildlife habitat restoration and enhancement, and all of the preservation components are appropriate for the scope and degree of impacts that will result from the proposed project.

54. The Department finds that the proposed impacts to wetlands and surface waters can be offset by the execution of an appropriate mitigation strategy.

**2002-00018                      WINDMILL SHORES COMM. ASSOC.  
LACONIA   Lake Winnepesaukee**

Requested Action:

Dredge 325 cy of sand in 5856 sqft of existing beach sand and replace with 325 cy of new sand in the same footprint on 155 ft of frontage on Opechee Bay, Laconia.

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Conservation Commission/Staff Comments:

Con Com signed Expedited Application

Inspection Date: 05/30/2002 by Dale R Keirstead

DENY PERMIT:

Dredge 325 cy of sand in 5856 sqft of existing beach sand and replace with 325 cy of new sand in the same footprint on 155 ft of frontage on Opechee Bay, Laconia.

With Findings:

Standards for Approval:

1. In accordance with Wt 302.03, "Avoidance and Minimization", the applicant shall submit a statement describing the impact on the proposed project design and provide evidence which demonstrates that his proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction.
2. The fee for the proposed project shall be \$226 per RSA 482-A:3.

Finding of Fact:

3. On January 4, 2002 a Minimum Impact Expedited Application was received by the Department from Robert H. Durfee representing Windmill Shores Community Association to dredge 325 cy from 5256 sq ft of material from an existing sloped beach and replace with 325 cy of new sand in the same footprint on Opechee Bay, Laconia.
4. The proposed project is a major project per Wt 303.02(o).
5. On January 31, 2002 the department mailed a Notice of Project Reclassification to the agent notifying the agent and applicant the project was reclassified as a major project. The letter asked the agent to address Wt 302.04 as part of the review process for major projects. A copy of Wt 302.04 was enclosed.
6. On February 7, 2002, the department mailed a Request for More Information letter again asking the agent to address Wt 302.04 and to address the issue of the project located within the wetlands 20 ft setback from the abutter.
7. On May 21, 2002 the department received a letter from Windmill Shores Community Association signed by Richard H. Coggon, II asking for an additional 90 day extension until on or about September 1, 2002.
8. On May 10, 2002 the department left a voice mail with the agent to inform him a field inspection was required by the department.
9. On May 30, 2002 the department made a field inspection of the site. Site inspection did not reveal the need for the sand replacement.
10. On June 13, 2002 the department mailed a second Request for More Information to the applicant requesting the applicant to modify the plans to perch the beach. Enclosed was a fact sheet concerning perched beaches. The letter also asked for the correct fee to be submitted to the department of \$176.
11. An application in 1997 for adding beach sand to the frontage below full lake elevation was denied.

Rulings in Support on the Decision:



12. The applicant has not submitted information as required by Wt 302.04(a) for major projects.
13. The applicant has not submitted information which demonstrates his proposal is the least adverse impact as required by Wt 302.03.
14. The applicant has not submitted information concerning abutter release for work within the wetlands abutter setback as required in Wt 304.04.
15. The applicant has not submitted the appropriate fee as required per RSA 482-A:3.
16. Applications shall denied if they do not include the information required per Wt 501.02(b).
17. No permit shall be granted if it shall infringe on the property rights of abutting owners per RSA 482-A:11.

**2002-00543                      BROWNING, KEITH/NANCY**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Dredge 33 cubic yards of accumulated sand from 900 sqft in Little Pond Brook, Moultonborough.

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Conservation Commission/Staff Comments:

Con Com concerns about inadequate plans.

APPROVE PERMIT:

Dredge 33 cubic yards of accumulated sand from 900 sqft in Little Pond Brook, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates revision date September 28, 2002 , as received by the Department on September 30, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
7. Work shall be done during low flow and lake draw down.
8. Dredge depth shall not extend below elevation 501.0.
9. There shall be no dredge beyond the 20 ft setback.
10. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
11. Work shall be carried out in a time and manner such that there will be no disturbance to migratory waterfowl breeding areas or fish spawning areas.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. Information from two adjacent parties confirm this is a previously dredged channel.

6. The proposed project is entirely in front of the applicants frontage.

**2002-00745                      NH DEPT OF TRANSPORTATION**  
**HARTS LOCATION   Saco River**

Requested Action:

Request to amend condition #20 relative the method of containing the ledge and approval of the Sequencing and Positioning Plan for Ledge Removal.

\*\*\*\*\*

Inspection Date: 06/25/2002 by Gino E Infascelli

APPROVE AMENDMENT:

Amend the permit to add the Sequencing and Positioning Plan for Ledge Removal and modify condition #20. Permit to read:

Widen the bridge over Stony Brook, add NE wall, rip rap inlet and outlet, replace or realign culverts and install headers to improve vertical and horizontal alignment for safety improvements having a total of 10,730 sq. ft. of impacts (1,420 sq. ft. is temporary) to palustrine and riverine wetlands. A 3.64 acre area of the Saco River is noted for possible landing of fly-rock from blasting. NHDOT project #13677.

With Conditions:

- 1a. All work shall be in accordance with plans by NHDOT dated 1/18/02 as received by the Department on April 16, 2002 and plans by NHDOT as received by the Department on June 27, 2002.
- 1b. Sequencing and Positioning Plan for Ledge Removal by Alvin J. Coleman & Son, Inc. dated 10/19/02, revised 10/23/02 and received 10/23/02.
2. This permit is contingent upon the submission of project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
4. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
6. Before work begins on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Construction equipment shall not be located within surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

16. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
17. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
18. NHDOT shall receive permission from the US Forest Service to conduct work on Forest Service land prior to the start of any work and in the event of changes to the plans.
19. The blasting of ledge will be conducted in a manner to limit rock deposition in areas of jurisdiction.
20. Containment of the blasted rock shall be with one line of 32" high barrier and a second line of barrier that consists of 8 ft. (h) x 20 ft. (l) trench box(es). Blasted rocks shall be removed between blasts with the exception of large rocks that may require additional blasting or drilling prior to removal.
21. The NHDOT shall submit pre and post blast photographs with a legend of view locations where blasted rock has potential to land.
22. A field review shall be coordinated with DES Wetlands Bureau staff following completion of the blasting to review impacts associated with deposited rock.
23. NHDOT shall hire an independent consultant to conduct a post-project environmental assessment of the blasting impacts to areas in DES jurisdiction.
24. The independent consultant shall provide a post project estimate of the volume of rock deposited from the blasting in areas of jurisdiction.
25. If a DES review of the post-project assessment finds that there are significant impacts to jurisdictional areas, NHDOT shall prepare a restoration plan for approval by DES.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), alteration of more than 20,000 sq. ft. of non-tidal wetlands.
2. The amendment to condition #20 and the inclusion of the ledge removal plan will provide more protection to the river.

**2002-00870                      NEW ENGLAND CONFERENCE UNITED METHODIST CHURCH, BO  
MEREDITH   Pemigewasset Lake**

Requested Action:

Install two 6 ft x 30 ft seasonal piers, connected by a 6 ft x 20 ft seasonal ramp in a "U" configuration, and replenish beach with no more than 20 cubic yards of sand on an average of 2,567 ft of frontage on Pemigewasset Lake, Meredith.

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APPROVE PERMIT:

Install two 6 ft x 30 ft seasonal piers, connected by a 6 ft x 20 ft seasonal ramp in a "U" configuration, and replenish a 32 ft x 32 ft beach on an average of 2,567 ft of frontage on Pemigewasset Lake, Meredith.

With Conditions:

1. All work shall be in accordance with plans by the applicant dated October 12, 2002, as received by the Department on October 17, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. There shall be no changes to the two existing seasonal piers, one is 5 ft x 49 ft extending from a 5 ft x 62 ft pier in an "L" configuration the second is 4 ft x 16 ft.
5. These shall be the only structures on this water frontage and all portions of the docks shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal piers shall be removed from the lake for the non-boating season.
7. No portion of the new piers shall extend more than 30 feet from the shoreline at full lake elevation.
8. No more than 20 cu yds of sand may be used and all sand shall be located above the normal high water line.
9. This permit shall be used only once, and does not allow for annual beach replenishment.
10. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility and Rule Wt. 303.02(o), replenishment of up to 20 cubic yards of sand on a non-residential beach.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has an average of 2,567 feet of frontage along Lake Pemigewasset.
5. A maximum of 34 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
6. The proposed docking facility will provide 11 slips as defined per Rule Wt 101.07, Boatslip, and therefore meets Rule Wt 402.14.
7. Public hearing is waived based on field inspection, by NH DES staff, on September 4, 2002, with the finding that the project impacts will not significantly impair the resources of Lake Pemigewasset.
8. DES Staff conducted a field inspection of the proposed project on September 4, 2002. Field inspection determined no evidence of potential erosion in the beach area. Existing docks had been removed for the non-boating season.

-Send to Governor and Executive Council-

**2002-00970                      WINNISQUAM BEACH CAMPGROUD BOATSLIP OWNERS ASSOC,  
BELMONT   Winnisquam Lake**

Requested Action:

Permanently relocate one pier from the shoreward end of both of the existing 125 ft long docking structures to the lakeward end of the east structure of the major docking facility on 1232 ft of frontage on Lake Winnisquam, Belmont.

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Conservation Commission/Staff Comments:

Con Com has not responded by 08/27/02

APPROVE PERMIT:

Permanently relocate one pier from the shoreward end of both of the existing 125 ft long docking structures to the lakeward end of the east structure of the major docking facility on 1232 ft of frontage on Lake Winnisquam, Belmont.

With Conditions:

1. All work shall be in accordance with plans by Turning Point Land Surveyors dated April 26, 2002, as received by the Department on May 8, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Seasonal piers shall be removed for the non-boating season.
5. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(d).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed modification will result in no change in the construction surface area and number of slips provided by the facility.

It will result in a reduction in the long-term impacts of the facility by reducing the need for future maintenance dredging and therefore meet the requirements of Rule Wt 402.22

6. DES Staff waived field inspection of the proposed project determining the environmental impacts were minimal and no change on impacts to the public trust.

7. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of Lake Winnisquam.

-Send to Governor and Executive Council-

## MINOR IMPACT PROJECT

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**2001-00989                      ANTONOPOULOS, JAMES**  
**GILMANTON   Shellcamp Lake**

### Requested Action:

Modify existing docking facility consisting of an 8 ft x 7 ft 7 in pier connected to a 6 ft x 25 ft 10 in pier in an "L" configuration to a seasonal structure, and retain existing 3 ft x 6 ft concrete pad on an average of 170 ft of frontage on Shellcamp Lake, Gilmanton.

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### Conservation Commission/Staff Comments:

GIS review not done. No USGS map.

10/14/2002, phoned applicant and sent more info request to include revised plan for a seasonal pipe dock, no beach replanishment.

### APPROVE AFTER THE FACT:

Modify existing docking facility consisting of an 8 ft x 7 ft 7 in pier connected to a 6 ft x 25 ft 10 in pier in an "L" configuration to a seasonal structure, and retain existing 3 ft x 6 ft concrete pad on an average of 170 ft of frontage on Shellcamp Lake, Gilmanton.

### With Conditions:

1. All work shall be in accordance with plans by the applicant, as received by the Department on October 24, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 26 feet from the shoreline at full lake elevation.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not modified per the submitted plans and project description.
8. This permit does not allow for the replenishment of the beach area with sand.
9. Modification of the existing docking facility shall be accomplished prior to the beginning of the 2003 boating season.

### With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), modification and installation of a 2 slip docking facility
2. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2002-00509                      BEGIN, WILFRED & SHARON**  
**SUTTON   Cascade Brook**

Requested Action:

Fill 3,490 square feet of palustrine wetlands for construction of residential subdivision roadway.

\*\*\*\*\*

APPROVE PERMIT:

Fill 3,490 square feet of palustrine wetlands for construction of residential subdivision roadway.

With Conditions:

1. All work shall be in accordance with plans by Burd Engineering dated 2/19/2002, as received by the Department on 5/31/2002.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet of nontidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-00810                      M&M NORTHEAST REALTY LLC**  
**NASHUA   Unnamed Wetland**

Requested Action:

Dredge and fill 15,825 sq. ft. of palustrine forested/ scrub-shrub wetlands for lot development associated with the construction of a housing complex for the elderly with appurtenant parking, drainage and storm water management facilities on a 20.22 acre parcel of land of which 16 acres has been dedicated to the City of Nashua to be preserved as open space.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Nashua Conservation Commission "... unanimously approved the project ... with ...stipulations..."

APPROVE PERMIT:

Dredge and fill 15,825 sq. ft. of palustrine forested/ scrub-shrub wetlands for lot development associated with the construction of a housing complex for the elderly with appurtenant parking, drainage and storm water management facilities on a 20.22 acre parcel of land of which 16 acres has been dedicated to the City of Nashua to be preserved as open space.

With Conditions:

1. All work shall be in accordance with plans by Hayner/ Swanson, Inc. dated 21 March 2002, as received by the Department on April 22, 2002.

2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Work shall be done during low flow.

#### WETLANDS AND LAND RESOURCES PRESERVATION:

1. This permit is contingent upon the execution of a conservation easement/ preservation area on 16.0 acres as depicted on plans received April 22, 2002.
2. The conservation easement to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. Draft conservation easement language shall be submitted to the Wetlands Bureau and local Conservation Commission for review and approval.
4. The plan noting the conservation easement/ preservation area with a copy of the final easement language shall be recorded with the Hillsborough County Registry of Deeds Office for each appropriate lot. A copy of the recording from the Hillsborough County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
5. The applicant shall prepare a report summarizing existing conditions within the conservation/ preservation area. Said report shall contain photographic documentation of the preservation area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
6. The conservation easement/ preservation area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
7. Signs to indicate the location of and restrictions on the area shall be posted every 150 feet along the boundary of the conservation/ preservation area prior to construction.
8. There shall be no removal of the existing vegetative undergrowth within the easement/ preservation area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
9. Activities in contravention of the conservation easement/ preservation area shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

#### With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of 15,825 sq. ft. of forested wetlands for residential lot development.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Nashua Conservation Commission recommends approval of the project with stipulations to be adhered to by the developer.

**2002-00833                      NH DEPT OF TRANSPORTATION**  
**LANCASTER   Unnamed Stream**

#### Requested Action:

Construct 50 linear feet of vegetated swale with a level spreader at the stream bank; install a catch basin and extend a 15 in. culvert by 15 feet.

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APPROVE PERMIT:

Construct 50 linear feet of vegetated swale with a level spreader at the stream bank; install a catch basin and extend a 15 in. culvert by 15 feet. NHDOT project #M107-4.

With Conditions:

1. All work shall be in accordance with plans by NHDOT District #1 dated 3/25/02 as received by the Department on April 23, 2002 and the modified plan of the vegetated swale and outlet (no date) received on July 17, 2002.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
4. Construction equipment shall not be located within surface waters.
5. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
7. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
8. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03 as it exceeds the 10 linear feet of bank impact noted in minimum impact rule Wt 303.04(w), alteration of less than 10 linear feet of the stream bank.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. On October 31, 2002, the DES received notice that the NH Natural Heritage Inventory has no recorded species of concern.
5. The applicant has submitted modified plans limiting the level spreader to one bank (60 sq. ft.) reducing the linear feet of stream impact by 40 linear feet (140 sq. ft.)

**2002-01064                      MERCURY DRIVE, LLC**  
**LONDONDERRY   Unnamed Wetland**

Requested Action:

Dredge and fill 6,885 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct an access roadway and develop a multi-family housing complex with appurtenant parking, drainage and storm water management facilities.

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Conservation Commission/Staff Comments:

The Londonderry Conservation Commission reports: "We have no issues with the D & F to allow access to buildable uplands and to fill an excavated ditch."

APPROVE PERMIT:

Dredge and fill 6,885 sq. ft. of palustrine forested/ scrub-shrub wetlands to construct an access roadway and develop a multi-family housing complex with appurtenant parking, drainage and storm water management facilities.

With Conditions:

1. All work shall be in accordance with plans by TFMoran dated March 22, 2002, as received by the Department on May 17, 2002.
2. This permit is contingent on approval by the DES Site Specific Program.



3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-01273                      EBELING, DWIGHT**  
**GILFORD   Lake Winnepesaukee**

Requested Action:

Permanently remove a 6 ft x 30 ft seasonal dock and install a 6 ft x 35 ft piling dock, five tie-off pilings, one 3-piling ice cluster, and seasonal boatlift with seasonal canopy, on an average of 101 feet of frontage on Lake Winnepesaukee, Gilford.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com places hold on 6/27/02;

Con Com released hold, approves of project, rec'd by DES on July 31, 2002.

APPROVE PERMIT:

Permanently remove a 6 ft x 30 ft seasonal dock and install a 6 ft x 35 ft piling dock, five tie-off pilings, one 3-piling ice cluster, and seasonal boatlift with seasonal canopy, on an average of 101 feet of frontage on Lake Winnepesaukee, Gilford.

With Conditions:

1. All work shall be in accordance with plans by Watermark Construction dated October 2, 2002, as received by the Department on October 9, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. These shall be the only structures on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. No portion of the pier shall extend more than 35 feet from the shoreline at full lake elevation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Canopies shall be of flexible fabric and shall be removed for the non-boating season.
8. The minimum clear spacing between piling bents shall be 12 feet for support of the piling pier.
9. The tie-off pilings shall be placed no further than 12 ft from the pier.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a 2-slip permanent pier

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. Applicant has demonstrated the need for a 32 ft canopy based on protection of the boat from the elements, as stated in a letter received by DES on October 9, 2002. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff concluded that similar projects exist along the shoreline. This project will not interfere with boater traffic safety.

**2002-01467                      LADD, DAVID**  
**TUFTONBORO   Unnamed Wetland**

Requested Action:

Fill 6,760 square feet of palustrine wetlands for construction of residential subdivision roadway.

\*\*\*\*\*

APPROVE PERMIT:

Fill 6,760 square feet of palustrine wetlands for construction of residential subdivision roadway.

With Conditions:

1. All work shall be in accordance with plans by White Mountain Survey dated 7-3-02, as received by the Department on 9/12/2002.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-01749                      CENTRAL GAS INC**  
**PEMBROKE   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 10,650 sq. ft. (7,975 sf maintenance dredge of existing detention pond & 2,675 sf fill for lot development) of previously disturbed scrub-shrub/ emergent wetlands for commercial lot development.

\*\*\*\*\*

Conservation Commission/Staff Comments:

No Comments Received.

APPROVE PERMIT:

Dredge and fill a total of 10,650 sq. ft. (7,975 sf maintenance dredge of existing detention pond & 2,675 sf fill for lot development) of previously disturbed scrub-shrub/ emergent wetlands for commercial lot development.

With Conditions:

1. All work shall be in accordance with plans by Trapper Brown Corporation dated 4/7/02, as received by the Department on August 02, 2002.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
3. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

**2002-01751                      GILMORE, CYNTHIA & HAROLD**  
**CONWAY    Mason Brook**

Requested Action:

Dredge and fill a total of 6,370 sq.ft. of forested wetlands and a seasonal stream to construct roadway, cul-de-sac and driveway access to a proposed 8 lot subdivision of 40 acres. Work includes impact for a possible future road.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill a total of 6,370 sq.ft. of forested wetlands and a seasonal stream to construct roadway, cul-de-sac and driveway access to a proposed 8 lot subdivision of 40 acres. Work includes impact for a possible future road.

With Conditions:

1. All work shall be in accordance with plans by Thaddeus Thorne Surveys, Inc. dated 6/25/02, as received by the Department on 10/25/02.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback for the proposed 8 lot subdivision. Any further alteration of areas on the abutting property located off of the future roadway that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
9. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
10. Work shall be done during low flow.

**2002-01767                      GILFORD SCHOOL DISTRICT**  
**GILFORD   Unnamed Wetland**

Requested Action:

Retain 4,850 square feet of fill in palustrine, seasonally flooded wetlands for construction of a softball field at the Gilford Middle-High School.

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Conservation Commission/Staff Comments:

No comment received from CC.

APPROVE AFTER THE FACT:

Retain 4,850 square feet of fill in palustrine, seasonally flooded wetlands for construction of a softball field at the Gilford Middle-High School.

With Conditions:

1. All work shall be in accordance with plans by RFS Engineering 7/12/02 as revised through 9/17/02, as received by the Department on 9/25/02.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Excavated wetlands soils shall be used as finish material in the compensatory flood storage area. All other excavated material shall be placed outside of jurisdictional wetland areas.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the property on 9/20/02 and found the work to be of minimal environmental impact.
6. Compensatory flood storage has been provided to offset fill placed within the Gunstock River floodplain.

**2002-01946                      BARTLETT, PETER & CHRISTINE**  
**ALTON   Lake Winnepesaukee**

Requested Action:

Permanently remove an existing 6 ft by 31 ft permanent piling supported pier, construct two 6 ft by 40 ft seasonal hinged docks attached to two 6 ft by 4 ft concrete pads located behind the undisturbed natural shoreline on 178 ft of frontage on Lake Winnepesaukee, Alton.

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Conservation Commission/Staff Comments:

Con Com has no objections to project

APPROVE PERMIT:

Permanently remove an existing 6 ft by 31 ft permanent piling supported pier, construct two 6 ft by 40 ft seasonal hinged docks

attached to two 6 ft by 4 ft concrete pads located behind the undisturbed natural shoreline on 178 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated August 25, 2002, as received by the Department on August 30, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
7. The concrete pads shall be entirely located behind the natural undisturbed shoreline.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d).

**2002-01951**

**GOOSE POND DEVELOPMENT LLC**

**CANAAN Goose Pond**

Requested Action:

Fill approximately 4,168 sq.ft. of forested wetlands to construct roadways within a proposed 40 lot subdivision of 99.79 acres of land. Work involves installation of twin 24 in culverts for the proposed cluster development with individual lots. The surrounding 49.41 acres of land will be designated as community green space that will remain undevelopable.

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APPROVE PERMIT:

Fill approximately 4,168 sq.ft. of forested wetlands to construct roadways within a proposed 40 lot subdivision of 99.79 acres of land. Work involves installation of twin 24 in culverts for the proposed cluster development with individual lots. The surrounding 49.41 acres of land will be designated as community green space that will remain undevelopable.

With Conditions:

1. All work shall be in accordance with plans by CLD Consulting Engineers, Inc. dated 8/02, as received by the Department on 8/26/02.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval. The deed for the lots abutting the common green space shall include a statement of the use limitations within the green space as an undevelopable area.
5. The area noted as common green space shall remain in its undeveloped state.
6. The plan noting the common green space shall be recorded with the Registry of Deeds Office. A copy of the recording from the County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau.
7. The green space area shall be surveyed by a licensed surveyor, and marked by monuments [stakes] prior to construction.
8. Signs to indicate the location of the area shall be posted every 150 feet along the boundary of the common green space area prior to construction.
9. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-02277                      NH DEPT OF TRANSPORTATION**  
**GILMANTON   Suncook River**

Requested Action:

Temporarily impact 3615 sq. ft. and fill 1750 sq. ft. within the river and banks to reinforce a bridge to allow construction equipment to install an 80-foot Bailey bridge for emergency access.

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APPROVE PERMIT:

Temporarily impact 3615 sq. ft. and fill 1750 sq. ft. within the river and banks to reinforce a bridge to allow construction equipment to install an 80-foot Bailey bridge for emergency access. NHDOT project #13963.

With Conditions:

1. All work shall be in accordance with plans and construction sequence by NHDOT Bureau of Bridge Maintenance dated 10/02, as received by the Department on October 16, 2002.
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices

for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

12. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

13. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

14. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

15. There shall be a minimal amount of vegetative disturbance on the bank, tree cutting to be kept to a minimum, there shall be no removal of stumps unless necessary for the temporary relocation of the road and the impacted vegetation shall be restored once the roadbed is returned to its original location.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 sq. ft. of non-tidal wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The existing situation does not allow emergency vehicular access.
6. The recommendations provided by the Conservation Commission have been included in the permit conditions.
7. Photographs submitted with the application indicate the abutments are being undermined.

**MINIMUM IMPACT PROJECT**

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**2001-02243                      ROBERTS, EMERY**  
**TAMWORTH   Tributary To Chocorua River**

Requested Action:

Dredge 1,305 sq. ft. and fill 1,500 sq. ft. to restore a drainage ditch across a palustrine emergent wet meadow that is dominated by wetland plants, is seasonally saturated or flooded, and has been altered by ditching sometime through its long agricultural history (PEM1Ed).

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APPROVE AFTER THE FACT:

Approve the after-the-fact dredge of 1,305 sq. ft. and fill of 1,500 sq. ft. to restore a drainage ditch across a palustrine emergent wet meadow that is dominated by wetland plants, is seasonally saturated or flooded, and has been altered by ditching sometime through its long agricultural history (PEM1Ed).

With Conditions:

1. All subsequent work to be done at this drainage ditch to remedy the DES Letter of Deficiency (WET 2002-01) shall be in accordance with plans submitted by New Hampshire Soil Consultants, Inc., dated 6/12/02, and received by DES on 7/25/02. All work shall adhere to the standards of the "Best Management Wetlands Practices for Agriculture," New Hampshire Department of Agriculture, Markets, and Food, dated July 16, 1993, and amended September 1998.
2. Any change in use to a non-agricultural purpose will require further permitting by the DES Wetlands Bureau.
3. This permit shall be recorded with the county Registry of Deeds office by the permittee.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a minimum impact, after-the-fact project per Administrative Rule Wt 303.04(f), alteration of wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-01730 PUBLIC SERVICE CO OF NH**  
**NORTHWOOD Unnamed Wetland**

Requested Action:

Dredge and fill 620 sq. ft. of palustrine scrub-shrub/ emergent wetlands to extend an existing 36 in. culvert 20 feet to construct a staging area to accommodate a mobile substation and replicate 500 sq. ft. of wetlands on site.

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Conservation Commission/Staff Comments:

Northwood Conservation Commission recommends approval of project.

APPROVE PERMIT:

Dredge and fill 620 sq. ft. of palustrine scrub-shrub/ emergent wetlands to extend an existing 36 in. culvert 20 feet to construct a staging area to accommodate a mobile substation and replicate 500 sq. ft. of wetlands on site.

With Conditions:

1. All work shall be in accordance with plans by PSNH Construction Services Drafting Group dated 7/16/02, as received by the Department on August 16, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Culvert outlets shall be properly rip rapped.
7. Work shall be done during low flow.

WETLAND CONSTRUCTION/ REPLICATION:

1. This permit is contingent upon the creation/ replication of 500 sq. ft. of wetlands in accordance with plans received August 16, 2002.
2. The schedule for construction of the mitigation area shall coincide with site development unless otherwise considered and authorized by the Wetlands Bureau to occur subsequent to site construction.
3. The mitigation area shall be properly constructed, monitored, managed in accordance with approved final mitigation plans, and the entire mitigation area shall be preserved from future development.
4. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. In other areas the permittee considers spreading the spoils, the potential for the establishment of the invasive species should be considered to limit its further establishment.
5. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
6. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the



elevation of the wetland surface, and changing the hydraulic regime.

7. The permittee shall designate a qualified professional who will have the responsibility to assure that the mitigation area is constructed in accordance with the mitigation plan, that monitoring is accomplished in a timely fashion, and remedial measures are taken if necessary. The Wetlands Bureau shall be notified of the designated professional prior to the start of work and if there is a change of status during the project.

8. The permittee shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation is present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.

9. The permittee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site.

10. After at least five full growing seasons, the permittee shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as-built plans.

11. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

**2002-01848                      BOISVERT, WILLIAM**  
**WEARE   Unnamed Wetland**

Requested Action:

Impact 2,800 sq ft of palustrine forested wetlands to allow for the construction of a 40 ft wide by 70 ft long driveway crossing with a single 24 inch diameter culvert associated with a single family residential house lot.

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Conservation Commission/Staff Comments:

The Wear Con Com discussed the proposed action at their August 14, 2002, meeting and expressed no concerns nor required a site walk. Submitted by Thomas E. Carr of the Wear Conservation Commission as received by the DES on September 30, 2002.

APPROVE PERMIT:

Impact 2,800 sq ft of palustrine forested wetlands to allow for the construction of a 40 ft wide by 70 ft long driveway crossing with a single 24 inch diameter culvert associated with a single family residential house lot.

With Conditions:

1. All work shall be in accordance with plans by Riverside dated July 31, 2002, as received by the Department on August 19, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Work shall be done during low flow.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. All construction materials, fill and dredged soils shall be stockpiled out of any area that are within the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be properly rip rapped.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(z)-installation of a culvert and associated fill to permit vehicular access to a piece of property for a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-02019                      DESMARAIS, DANIEL**  
**CLAREMONT   Connecticut River**

Requested Action:

Construct a 6 ft by 24 ft seasonal wharf on 1443 ft of frontage on the Connecticut River, Claremont.

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Conservation Commission/Staff Comments:

Con Com has no objections to dock project

APPROVE PERMIT:

Construct a 6 ft by 24 ft seasonal wharf on 1443 ft of frontage on the Connecticut River, Claremont.

With Conditions:

1. All work shall be in accordance with plans by Daniel Desmarais, as received by the Department on October 23, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 6 feet from the shoreline.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a).

**2002-02035                      LILAC CITY PARKS AND SALES**  
**ROCHESTER   Unnamed Wetland**

Requested Action:

Fill 1,609 sq. ft. of scrub-shrub and forested wetlands at four different locations along 4,300 linear feet of onsite rights-of-way for road construction within a proposed 44-lot mobile home park.

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Conservation Commission/Staff Comments:

No comments received from the Rochester Conservation Commission.

APPROVE PERMIT:

Approve the filling of 1,609 sq. ft. of scrub-shrub and forested wetlands at four different locations along 4,300 linear feet of onsite rights-of-way for road construction within a proposed 44-lot mobile home park.

With Conditions:

1. All work shall be in accordance with plans by Norway Plains, Inc. (prepared in association with MJS Engineering, PC) dated 8/02, as received by the Department on 9/12/02.
2. This permit is contingent on approval by the DES Site Specific Program.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), as the project will alter less than 3,000 square feet of scrub-shrub and forested wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-02084                      ORFORD WATER SUPPLY COMPANY, INC**  
**ORFORD   Unnamed Stream**

Requested Action:

Dredge 225 square feet of silt (12-16 cubic yards) from an existing unnamed, intermittent stream and fill with 225 square feet of small stone to restore efficient surface water migration from the stream to an adjacent filter bed of a public water system owned and operated by the Orford Water Supply Company Inc.

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APPROVE PERMIT:

Approve the dredging of 225 square feet of silt (12-16 cubic yards) from an existing unnamed, intermittent stream and fill with 225 square feet of small stone to restore efficient surface water migration from the stream to an adjacent filter bed of a public water system owned and operated by the Orford Water Supply Company Inc.

With Conditions:

1. All work shall be in accordance with plans by Orford Water Supply Company, Inc. dated 9/11/02, as received by the Department on 9/18/02.
2. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
3. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during low flow.

With Findings:

1. This work has been requested to restore the efficiency of an existing public water system for immediate and continued use by its 78 users (at 31 connections) in anticipation of a future replacement system, as directed by the DES Water Supply Engineering

Bureau.

2. This is a minimum impact project per Administrative Rule Wt 303.04(n), alteration of 15 linear feet of an intermittent stream.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2002-02271                      NEILY, ROBERT**  
**STRATHAM   Unnamed Pond**

Requested Action:

Maintenance dredge 61,000 sq. ft. of Mill Pond at Stratham traffic circle, an existing legal freshwater pond, in coordinated effort by the Town of Stratham and Rockingham County Conservation District, to remove accumulated road sediment, improve fire protection water volume and open water habitat.

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Conservation Commission/Staff Comments:

This project is being undertaken by the Conservation Commission and the Rockingham County Conservation District.

APPROVE PERMIT:

Maintenance dredge 61,000 sq. ft. of Mill Pond at Stratham traffic circle, an existing legal freshwater pond, in coordinated effort by the Town of Stratham and Rockingham County Conservation District, to remove accumulated road sediment, improve fire protection water volume and open water habitat.

With Conditions:

1. All work shall be in accordance with plans by Rockingham County Conservation District dated September 2002, as received by the Department on 10/11/2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. The top 6 inches of mud removed from the bottom of the pond shall be carefully stockpiled at an upland location in the vicinity of the pond and preserved until the remainder of the pond dredging is done, at which time this material will be returned to the pond to allow the star-duckweed community to re-establish, in accordance with guidance provided by NHI per letter dated 9/12/2002.
4. Coastal staff shall be notified in writing prior to commencement of work, shall witness location of preserved spoils and shall witness redeposition of those spoils into the pond.
5. Remaining dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Work shall be done during drawdown.
8. Work shall be done during low flow.

With Findings:

Findings:

1. Maintenance dredging of a non-tidal man-made pond is a minimum impact project per Wt 303.04 (k).
2. Elevation of this project to a major category per Wt 303.02 (k) is waived and minimum impact status is maintained, on the basis that adherence through permit conditions provided by NHI guidance letter with respect to the listed species, will protect this species, and result in minimal impact to the community present.

**2002-02278                      RIGHTWAY BUILDERS INC**  
**DUNBARTON   Unnamed Wetland**

Requested Action:

Fill 1,700 sq.ft. of a forested wetland to install a 48 in. x 23 ft. culvert to access one single building lot within a proposed four lot subdivision.

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APPROVE PERMIT:

Fill 1,700 sq.ft. of a forested wetland to install a 48 in. x 23 ft. culvert to access one single building lot within a proposed four lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Todd Land Use Consultants dated received by the Department on 10/16/02.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Work shall be done during low flow.

With Findings:

1. The Dunbarton Conservation Commission completed a site visit of the project and has no comment.

**FORESTRY NOTIFICATION**

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**2002-02325                      SHAUGHNESSY, STEPHEN**  
**CAMPTON   Unnamed Wetland**

COMPLETE NOTIFICATION:

Campton Tax Map 10, Lot# 15-2

**2002-02327                      MOKLER, BRIAN & MARY**  
**SANBORNTON   Unnamed Stream**

COMPLETE NOTIFICATION:

Sanbornton Tax Map 27, Lot# 21-2 & 22

**2002-02328                      BAKER, KAREN & DARYL**  
**SPRINGFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Springfield Tax Map 15, Lot# 498-541

**2002-02329                      TIMBERSTAND INVESTMENTS CO LTD**  
**BRADFORD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Bradford Tax Map 5, Lot# 27

**2002-02330                      MEADWESTVACO**  
**SHELBURNE   Unnamed Stream**

COMPLETE NOTIFICATION:  
Shelburne Tax Map 8, Lot# 25

**EXPEDITED MINIMUM**

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**2002-02144                      ORE HILL PROPERTIES**  
**SUGAR HILL   Ditch**

Requested Action:

Fill 2,860 square feet within wetlands and install an 18" x 20' and a 12" x 20' culvert to construct a driveway with two crossings to a single-family residence.

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APPROVE PERMIT:

Fill 2,860 square feet within wetlands and install an 18" x 20' and a 12" x 20' culvert to construct a driveway with two crossings to a single-family residence.

With Conditions:

1. All work shall be in accordance with plans by Lobdell Associates Inc, as received by the Department on 9/26/02.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. The deed which accompanies the sales transaction for this lot shall contain condition #2 of this approval.
4. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
5. This permit is contingent on approval by the DES Subsurface Systems Bureau.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and remain until the area is stabilized. Silt fencing must be removed once the area is stabilized.
7. Work shall be done during dry conditions or periods of low flow.
8. Proper headwalls shall be constructed over the culvert ends within seven days of culvert installation.
9. A stone apron shall be installed at the culvert outlet to prevent scouring and erosion.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This project is considered a Minimum Impact Project per NH Administrative Rule Wt 303.04(f).

**2002-02152                      DUNBARTON, TOWN OF**  
**DUNBARTON   Harris Brook**

Requested Action:

Repair an existing 48" CMP culvert by grouting a 36" snap-tite plastic pipe inside the deteriorated pipe.

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Conservation Commission/Staff Comments:

USGS and tax map show different locations. Point was digitized from tax map locus.

APPROVE PERMIT:

Repair an existing 48" CMP culvert by grouting a 36" snap-tite plastic pipe inside the deteriorated pipe.

With Conditions:

1. All work shall be in accordance with plans by the applicant as received by the Department on November 1, 2002.
2. To insure that the hydrology is not altered, the culvert invert of the inserted pipe shall be the same as the existing 48" culvert.
3. Proper headwalls shall be constructed within seven days of culvert installation.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Work shall be done during low flow.

**2002-02164                      DANE REAL ESTATE TRUST, EDWARD**  
**CENTER HARBOR   Unnamed Pond**

Requested Action:

Dredge 625 sq. ft. (25'x 25') area of pond for dry hydrant intake and 192 sq. ft. to install dry hydrant pipe.

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APPROVE PERMIT:

Dredge 625 sq. ft. (25'x 25') area of pond for dry hydrant intake and 192 sq. ft. to install dry hydrant pipe.

With Conditions:

1. All work shall be in accordance with plans by North Country RC&D Area Council dated September 28, 2001, as received by the Department on October 2, 2002.
2. Dredged material shall be dewatered in sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
3. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

**2002-02190 PUBLIC SERVICE OF NH, DAVID L PLANTE PE  
TILTON Unnamed Wetland**

Requested Action:

Impact 30 sq. ft. of wetland to cut off two existing utility poles and place 1 new pole in the wetland and 1 pole at the edge of the wetland as part of a utility line upgrade.

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Conservation Commission/Staff Comments:

Two crossings digitized.

APPROVE PERMIT:

Impact 30 sq. ft. of wetland to cut off two existing utility poles and place 1 new pole in the wetland and 1 pole at the edge of the wetland as part of a utility line upgrade.

With Conditions:

1. All work shall be in accordance with plans by Public Service of NH dated June 14, 2002, as received by the Department on October 3, 2002.
2. Work shall be done during frozen winter conditions.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Work shall be done during low flow.

**2002-02201 NASSAR INVESTMENT TRUST  
WINDHAM Unnamed Wetland**

Requested Action:

Fill approximately 1,171 square feet of a man-made drainage ditch to widen Governor Dinsmore Road to provide access to a 17-lot residential subdivision.

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APPROVE PERMIT:

Fill approximately 1,171 square feet of a man-made drainage ditch to widen Governor Dinsmore Road to provide access to a 17-lot residential subdivision.

With Conditions:

1. All work shall be in accordance with Topography Plans (Sheets 8-13 of 32) by Edward N. Herbert Assoc. Inc. dated October 2001 and revised August 7, 2002, as received by the Department on October 4, 2002; and Roadway Plans and Profiles (Sheets 21-23 of 32) by Edward N. Herbert Assoc. Inc. dated January 2002 and revised August 7, 2002, as received by the Department on October 4, 2002.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #3 of this approval.
5. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
6. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
7. No fill shall be done for lot development.
8. Work shall be conducted during low flow.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.



10. Appropriate erosion, siltation, and turbidity controls shall be installed prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Stone aprons shall be installed at culvert outlets to dissipate flow velocities and prevent scour and erosion.
13. Dredged material shall be placed out of any area that is within the jurisdiction of the DES Wetlands Bureau.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. The project is categorized as a Minimum Impact Project, per Rule Wt 303.04(f), as the project involves alteration of less than 3,000 square feet of wetlands.
2. The applicant has sufficiently demonstrated that the proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction, in accordance with Rule Wt 302.03.
3. The applicant has adequately addressed the requirements for application evaluation identified in Rule Wt 302.04(b).
4. The applicant has sufficiently addressed the subdivision requirements of Rule Wt 304.09(a).

**2002-02226                      DESCENDENTS OF VICTOR & MABEL ALDRICH**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Excavate and backfill 8 sq ft along 4 linear feet of shoreline and dredge and backfill 72 sq ft of lakebed to install a dry hydrant on 135 ft of frontage on Lake Winnepesaukee.

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APPROVE PERMIT:

Excavate and backfill 8 sq ft along 4 linear feet of shoreline and dredge and backfill 72 sq ft of lakebed to install a dry hydrant on 135 ft of frontage on Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans and construction sequence as received by the Department on October 9, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Area shall be regraded to original contours following completion of work.
4. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Work shall be done during drawdown.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(n).

**2002-02227                      MCNULTY, DEBORAH/WILLIAM**  
**MEREDITH   Lake Winnepesaukee**

Requested Action:

Remove an existing retaining wall, dredge 100 sqft behind full lake elevation on 504.32 ft, to construct a perched beach, remove existing steps and construct stone steps landward on 50 ft of frontage on Lake Winnepesaukee, Meredith.

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Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Remove an existing retaining wall, dredge 100 sqft behind full lake elevation on 504.32 ft, to construct a perched beach, remove existing steps and construct stone steps landward on 50 ft of frontage on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by Matthew Wood as received by the Department on October 9, 2002.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The applicant shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d).